



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Department of Labor and Industries

☒ **Permanent Rule**
☐ **Emergency Rule**

Effective date of rule:

Permanent Rules

☐ 31 days after filing.
☒ Other (specify) April 1, 2006 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

☐ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: The Department has rewritten the requirements relating to using **Hazardous Chemicals in Laboratories**, reorganizing for clarity and removing outdated terminology and unnecessary requirements. This rule is being repealed from Chapter 296-62 WAC, and placed into its own chapter, Chapter 296-828 WAC. In addition, we have corrected references throughout our standards. See attachment 1.

Citation of existing rules affected by this order:

Repealed: See attachment 2
Amended: See attachment 2
Suspended: See attachment 2

Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050 and 49.17.060

Other authority : None

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 05-21-089 on October 18, 2005.

Describe any changes other than editing from proposed to adopted version: None.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: NA

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: January 3, 2006

NAME (TYPE OR PRINT)

Gary K. Weeks

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

WSR# 06-02-060

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>8</u>	Amended	<u>4</u>	Repealed	<u>15</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>8</u>	Amended	<u>4</u>	Repealed	<u>15</u>
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>8</u>	Amended	<u>4</u>	Repealed	<u>15</u>

Purpose: The Department has rewritten the requirements relating to using hazardous chemicals in laboratories, reorganizing for clarity and removing outdated terminology and unnecessary requirements. This rule is being repealed from Chapter 296-62 WAC, and placed into its own chapter, Chapter 296-828 WAC. In addition, we have corrected references throughout our standards.

NEW CHAPTER:

- Chapter 296-828 WAC, Hazardous Chemicals in Laboratories

NEW SECTIONS:

WAC 296-828-100 Scope

- Put language in this section to tell users who the chapter applies to.

WAC 296-828-20005 Chemical Hygiene Plan

- Moved requirements relating to the chemical hygiene plan into this section.

WAC 296-828-20010 Exposure evaluation

- Moved requirements relating to exposure evaluation into this section.

WAC 296-828-20015 Training

- Moved requirements relating to training into this section.

WAC 296-828-20020 Labeling and Material Safety Data Sheets (MSDSs)

- Moved requirements relating to labeling and MSDSs into this section.

WAC 296-828-20025 Chemicals Produced in Laboratories

- Moved requirements relating to producing chemicals in labs into this section.

WAC 296-828-20030 Medical Evaluations

- Moved requirements relating to medical evaluations into this section.

WAC 296-828-300 Definitions

AMENDED SECTIONS:

WAC 296-307-55035 Follow these rules for laboratories using hazardous chemicals.

- Correcting reference

WAC 296-307-704 Scope. What is the purpose of WAC 296-307-704, Emergency response to hazardous substance releases?

- Correcting reference

WAC 296-800-17305 Follow these rules for laboratories using hazardous chemicals.

- Correcting reference

WAC 296-848-100 Scope

Removing an incorrect exemption

REPEALED SECTIONS:

- WAC 296-62-400 Occupational exposure to chemicals in laboratories
- WAC 296-62-40001 Scope and application.
- WAC 296-62-40003 Definitions applicable to all sections of this chapter.
- WAC 296-62-40005 Permissible exposure limits

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Department of Labor and Industries

WISHA Services Division

Hearing Date: November 28, 2005

CR-103 Filing Date: January 3, 2006

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Attachment 1

(Purpose Statement)

- WAC 296-62-40007 Permissible exposure determination
- WAC 296-62-40009 Chemical Hygiene plan—General
- WAC 296-62-40011 Employee information and training.
- WAC 296-62-40013 Medical consultation and medical examinations.
- WAC 296-62-40015 Hazard identification.
- WAC 296-62-40017 Use of respirators.
- WAC 296-62-40019 Recordkeeping.
- WAC 296-62-40021 Start-up date.
- WAC 296-62-40023 Appendices
- WAC 296-62-40025 Appendix A—National Research Council recommendations concerning chemical hygiene in laboratories (Nonmandatory).
- WAC 296-62-40027 Appendix B—References (Nonmandatory).

(2) Citation of existing rules affected by this order:

AMENDED SECTIONS:

- WAC 296-307-55035 Follow these rules for laboratories using hazardous chemicals.
- WAC 296-307-704 Scope. What is the purpose of WAC 296-307-704, Emergency response to hazardous substance releases?
- WAC 296-800-17305 Follow these rules for laboratories using hazardous chemicals.
- WAC 296-848-100 Scope

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- WAC 296-62-400 Occupational exposure to chemicals in laboratories
- WAC 296-62-40001 Scope and application.
- WAC 296-62-40003 Definitions applicable to all sections of this chapter.
- WAC 296-62-40005 Permissible exposure limits
- WAC 296-62-40007 Permissible exposure determination
- WAC 296-62-40009 Chemical Hygiene plan—General
- WAC 296-62-40011 Employee information and training.
- WAC 296-62-40013 Medical consultation and medical examinations.
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